

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

<b>Intellectual Ventures I, LLC and Intellectual Ventures II, LLC;</b>	§ § § § § § § § § §	<b>Civil Action No. 6:16-cv-196-JRG LEAD CASE Jury Trial Demanded</b>
<b>Plaintiffs,</b>		
<b>v.</b>		
<b>J. Crew Group, Inc.;</b>		
<b>Defendant.</b>		

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<b>Intellectual Ventures I, LLC and Intellectual Ventures II, LLC;</b>	§ § § § § § § § § §	<b>Civil Action No. 6:16-cv-195-JRG  Jury Trial Demanded</b>
<b>Plaintiffs,</b>		
<b>v.</b>		
<b>FTD Companies, Inc., et al.;</b>		
<b>Defendants.</b>		

**JOINT STIPULATION OF DISMISSAL  
OF REMAINING CLAIMS AGAINST FTD DEFENDANTS**

WHEREAS, on March 8, 2016, Plaintiffs Intellectual Ventures I LLC and Intellectual Ventures II LLC (collectively “IV”) filed the above-referenced action (the “Action”) and asserted that Defendant FTD Companies, Inc. infringed United States Patent No. 5,969,324 (“324 Patent”), United States Patent No. 6,633,900 (“900 Patent”), and United States Patent No. 6,782,370 (“370 Patent”) (collectively, the “Patents-in-Suit”);

WHEREAS, on August 2, 2016, IV filed its First Amended Complaint for Patent Infringement (the “Action”) and asserted that Defendants FTD Companies, Inc., FTD.COM, Inc., and Florists’ Transworld Delivery, Inc. (collectively “FTD” or Defendants”) infringed the Patents-in-Suit;

WHEREAS, on May 19, 2016, FTD filed its Answer, Affirmative Defenses, and Counterclaims in which it denied IV's allegations of patent infringement of the Patents-in-Suit and asserted several defenses;

WHEREAS, on August 18, 2016, FTD filed its Answer, Defenses, and Counterclaims to Plaintiffs' First Amended Complaint for Patent Infringement in which it denied IV's allegations of infringement of the Patents-in-Suit and asserted several defenses;

WHEREAS, on August 24, 2016, this Court issued an Order finding the claims of the 370 Patent invalid. (ECF No. 55), and on September 27, 2016, this Court issued an Order dismissing IV's claims of infringement of the 370 Patent by FTD with prejudice (subject to any rights Plaintiffs may have under the law to appeal this Court's Orders invalidating the 370 Patent); and

WHEREAS, FTD has agreed, in exchange for this dismissal of IV's remaining infringement claims, that it will not file a declaratory judgment action or inter partes review against the 900 Patent, and IV has agreed that the deadline for FTD to file an inter partes review against the 900 Patent would reset if a second litigation is filed on the 900 Patent and that the present suit would not preclude the filing of such an inter partes review.

Accordingly, pursuant to Rules 41(a)(1)(A)(ii) and 41(c) of the Federal Rules of Civil Procedure, Plaintiffs IV and Defendants FTD, by and through their attorneys of record, hereby stipulate and agree that (a) all claims of infringement of the 324 Patent and the 900 Patent asserted by IV against FTD and (b) all counterclaims based on the 324 Patent and the 900 Patent asserted by FTD against IV, are dismissed without prejudice. Each party shall bear its own costs and attorneys' fees.

This Stipulation only dismisses without prejudice those claims relating to the 324 Patent and the 900 Patent. IV's claims of infringement relating to the 370 Patent remain dismissed with

prejudice, pursuant to this Court's Orders dated August 24, 2016 (ECF No. 55) and September 27, 2016 (ECF No. 65), and subject to any rights Plaintiffs may have under the law to appeal this Court's Orders invalidating the 370 Patent.

With this stipulated dismissal, all claims between IV and FTD will be dismissed.

A proposed Order to this effect is attached hereto.

Dated: October 12, 2016.

Respectfully submitted,



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***Florists' Transworld Delivery, Inc.***

***and FTD.COM Inc.***

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served on all parties of record through the Court's CM/ECF service on this 12<sup>TH</sup> day of October, 2016.

A handwritten signature in black ink, appearing to read "Derek T. Gilliland", is written over a horizontal line.

Derek T. Gilliland